



3732

MAR 11 2004

Docket No. DEP-652CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jon C. Serbousek

Serial No. : 09/989,123 10/670,092 Art Unit: 3732Filed : 11/20/2001 09/24/2003 Examiner:Candice c. Melson

For : Prosthesis with Feature Aligned to Trabeculae

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

March 8, 2004
(Date of Deposit)

John Wagley
(Name of applicant, assignee, or Registered Representative)

John Wagley
(Signature)

March 8, 2004
(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with the first or second After Final Submission, therefore:

- Statement in Accordance with §1.97(e)
(attached); or
- Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- Statement in Accordance with §1.97(e)
(attached); or
- Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth in
§1.17(p).

In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

- Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:
 - In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
 - If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
 - There are no listed references which are not in the English language.

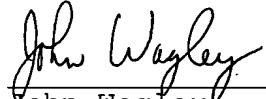
The relevance of those listed references which are not in the English language is as follows: Relevance can be determined from the drawings and where available the English abstracts.

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/DEP650CON/JSW. This form is submitted in triplicate.

Respectfully submitted,


John Wagley
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Attorney for Applicants

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New Brunswick, NJ 08933-7003
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DATED: March 8, 2004



Docket No. DEP0652CON

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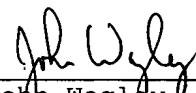
STATEMENT UNDER 37 C.F.R. §1.97(e)

In accordance with 37 C.F.R. §1.97(e), certification is hereby made that:

Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office, in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item

of information contained in this Information Disclosure Statement,
was known to any individual designated in §1.56(c) more than three
months prior to the filing of this Information Disclosure Statement.


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DATED: March 8, 2004



SUBMISSION UNDER MPEP 609 D

Page 1 of 1

SUBMISSION UNDER MPEP 609 D	<i>Application Number</i>	09/989,123
	<i>Filing Date</i>	11/20/2001
	<i>First Named Inventor</i>	Jon C. Serbousek
	<i>Group Art Unit</i>	3732
	<i>Examiner Name</i>	Candice C Melson
	<i>Attorney Docket Number</i>	DEP-652CON

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Name of Patentee or Applicant of Cited Document	Foreign Patent Document			Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
			Office ³	Number ⁴	KindCode ⁵		
		Peter Gris	EP	0 169 976			
		Emst Joachim Henssge	EP	0 965 312			

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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